

FILED

SEP 11 2006

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**INDIANA UTILITY
REGULATORY COMMISSION**

**IN THE MATTER OF THE COMMISSION'S)
PROPOSED RULEMAKING CONCERNING)
DISCONNECTION OF A LOCAL EXCHANGE)
CARRIER BY ANOTHER LOCAL EXCHANGE)
CARRIER, NOTICE OF BANKRUPTCY,)
RELINQUISHMENT OF SERVICE, AND)
REVOCATION OF CERTIFICATE OF)
TERRITORIAL AUTHORITY, WITH SPECIAL)
PROVISIONS FOR A LOCAL EXCHANGE)
CARRIER THAT IS A PROVIDER OF LAST)
RESORT)**

IURC RM #06-02

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**INDIANA UTILITY REGULATORY COMMISSION
GENERAL COUNSEL**

**COMMENTS OF INDIANA BELL TELEPHONE IN RESPONSE TO OUCC
COMMENTS**

Indiana Bell Telephone Company Incorporated ("AT&T Indiana") submits the following comments in response to the "August 31, 2006 Additional Initial Comments of the Indiana Office of the Utility Consumer Counselor." AT&T Indiana's comments are limited to the proposed further amendments to 170 IAC 7-6-3.

AT&T Indiana believes that the amendments reflected in the red-lined documents attached to the OUCC's August 31 filing are unnecessary and, no matter how well-intentioned, would have unintended negative consequences. According to the OUCC's comments, the OUCC's proposal is presented as a solution to a single situation in which a carrier failed to comply with the requirements of the existing rule; had the carrier complied, the affected consumers would have been protected. It is understandable that the OUCC would be concerned about customers receiving adequate notice in order to

solutions that may allow a carrier to remain in business. Further, it provides no benefit to consumers as carriers who might otherwise be able to negotiate an outcome avoiding disconnection would no longer have that option. The OUCC's comments regarding the intent of OUCC's suggested rule amendments would serve as a major disincentive to negotiations between carriers.

Based on the OUCC's actual proposed amendments to the proposed rule, this does not appear to be the result intended. However, to the extent any interpretation of the rule relies on the text of the OUCC's comments, the rule's meaning becomes vague and could have potentially sweeping unintended consequences. AT&T Indiana requests therefore that the Commission reject the OUCC's proposed changes. In the alternative, if the commission accepts OUCC's proposed changes to the draft rule, the Commission should make clear that the rule is not intended to extend the disconnection timeframe whenever the parties have engaged in discussions after the notice of disconnection has been sent.

Dated: September 11, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bonnie K. Simmons', is written over a horizontal line.

Bonnie K. Simmons (#12067-49)

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